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22 November 1995

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 118
JOINT INSPECTION UNIT

SECURITY COUNCIL
Fiftieth year

Letter dated 21 November 1995 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to refer to the report of the Joint Inspection Unit entitled "Sharing responsibilities in peace-keeping: the United Nations and regional organizations" (JIU/REP/95/4), transmitted to the members of the General Assembly in a note by the Secretary-General under agenda item 118 (A/50/571).

On previous occasions the delegation of the Azerbaijan Republic has drawn to the attention of the United Nations authorities that in a number of documents issued by the United Nations and dealing with the conflict between Armenia and Azerbaijan the name "Nagorny Karabakh" was used without any indication of the fact that the region belongs to the Azerbaijan Republic (see, for example, S/25635).

Unfortunately, the same mistake has been repeated in the aforementioned report. In particular, paragraphs 30, 38 and 48 and annex I./3 to the report ignore the fact that Nagorny Karabakh is an integral part of the Azerbaijan Republic, whereas further in the text in a similar context Abkhazia and South Ossetia have been identified as parts of the Republic of Georgia.

It is rather perplexing that the authors of the report, while abundantly citing various resolutions of the General Assembly and the Security Council, have totally neglected relevant resolutions of the Security Council, namely resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), General Assembly resolution 49/13 entitled "Cooperation between the United Nations and the Conference on Security and Cooperation in Europe", as well as the recent report of the Secretary-General entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe" (A/50/564). All these documents unequivocally reaffirm the status of Nagorny Karabakh as an integral part of Azerbaijan.

In the light of the foregoing, the delegation of the Azerbaijan Republic deems it necessary to express its strongest protest and demands that the authors of the report immediately correct this flagrant political mistake. Otherwise this shall constitute a serious infringement upon the sovereignty of the Azerbaijan Republic on the part of the Joint Inspection Unit of the United Nations.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under the agenda item 118, and of the Security Council.

(Signed) Eldar KOULIEV
Permanent Representative

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Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 22 November 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 22 November 1995, addressed to you by H.E. Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Permanent Representative

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Annex

Letter dated 22 November 1995 from Mr. Osman Ertuğ to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 31 October 1995 addressed to you by the Greek Cypriot Representative at the United Nations (A/50/715-S/1995/918) concerning alleged developments affecting the 1989 Unmanning Agreement.

In connection with the allegations of "new information" relating to constructions on the Yiğitler (Roccas) Bastion in the Turkish Cypriot sector of Nicosia, I wish to stress that these allegations are totally baseless and to recall that similar previous allegations on this subject have been conclusively refuted in your letter to the President of the Security Council, dated 25 July 1995, in which it is stated that the United Nations Peace-keeping Force in Cyprus (UNFICYP) "is of the view that construction on Roccas Bastion to date, including the material used, does not indicate work carried out to normal military specifications, or to any evident military logic". Furthermore, as you are well aware, UNFICYP has had unhindered periodic access to the site and, in addition to monitoring the area on a round-the-clock basis from an observation post overlooking the area, UNFICYP has been allowed to conduct on-site inspections twice a week. No complaints have been received from UNFICYP during or after these inspections, and it appears that the persistence of the Greek Cypriot allegations on this matter, in spite of the above, is the result of their refusal to accept that the matter is closed, lest they be deprived of a means of generating political propaganda.

The construction on the Yiğitler (Roccas) Bastion has recently been completed and the children's park, together with its cafeteria, were inaugurated in a public ceremony on 15 November 1995, as part of the twelfth anniversary celebrations of the proclamation of the Turkish Republic of Northern Cyprus. The Greek Cypriot side's continuing recriminations on this subject are designed to provide a smokescreen for the recent intensification of its own violations of the 1989 Unmanning Agreement on the above occasion. As is known, for three days running, from 7 to 9 November 1995, hundreds of Greek Cypriot students staged violent demonstrations along the borders, violating the buffer zone, including at this very location.

On 7 November, after having blocked all traffic at the Ledra Palace crossing point between the two sides in Nicosia, including the passage of UNFICYP personnel, several hundred demonstrators carried their provocations to the point of physically assaulting Turkish Cypriot workers by hurling stones at them at the children's park on the Yiğitler Bastion. As a result, several workers were injured and windows of the park's cafeteria were broken. One UNFICYP soldier was hurt, and the ambulance that came to pick him up was stoned.

On 8 November, the demonstrations became more violent with the participation of around 1,000 students, who assembled at the Ledra Palace checkpoint as of 9.30 a.m., blocking the gate to all traffic. They were led by

their teachers, indicating that the schools had been closed by an official decision of the Greek Cypriot administration just for this purpose.

One group of demonstrators advanced to the Yigitler Bastion, from where they threw stones, shouted insults and engaged in obscene behaviour against the Turkish Cypriot side. More windows of the cafeteria of the children's park were broken as a result of stone throwing. It is significant that the students were carrying Greek flags and shouting slogans in favour of ENOSIS (annexation of Cyprus to Greece).

Another group of demonstrators proceeded to the "Okullar Bölgesi" area in Nicosia, where they physically attacked and punched UNFICYP personnel who were trying to prevent them from violating the buffer zone. Several UNFICYP soldiers were injured. Penetrating the buffer zone, they came within 20 to 30 metres of the border of the Turkish Republic of Northern Cyprus. Here they occupied an UNFICYP observation post, on which they raised the Greek flag. With the stones they threw at the Turkish Cypriot side from here, they broke the windows of many houses close to the border. A group of Greek Cypriot motorcyclists also took part in this demonstration.

The demonstrations continued the next day, on 3 November, on an even larger scale, involving 1,500 students, who concentrated their provocative activities at Okullar Bölgesi. Here, once again, the students violated the buffer zone, causing injury to UNFICYP personnel, and burned a Turkish flag they had brought with them.

Such manifestations of anti-Turkish hysteria, aggressive behaviour and repeated violations of the United Nations-controlled buffer zone as well as the Unmanning Agreement of 1989 only serve to heighten tension on the island, at a time when the atmosphere is already burdened with the Greek Cypriot side's continuing campaign of militarization and inflammatory rhetoric. I wish to stress, once more, that incitement of Greek Cypriot youth to such militant and irresponsible behaviour, far from serving the cause of peace and reconciliation on the island, is driving a further wedge between the two communities, whose repercussions are bound to be felt for generations to come.

I would be grateful if this letter could be circulated as a document of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

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Fiftieth session
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Myanmar

Report of the Secretary-General

1. The present report is submitted pursuant to paragraph 19 of General Assembly resolution 49/197 of 23 December 1994 on the situation of human rights in Myanmar, in which I was requested to continue my discussions with the Government of Myanmar "in order to assist in the implementation of the present resolution and in its efforts to achieve national reconciliation, and to report to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-first session".

2. Since the adoption of the resolution, three rounds of talks have been held in Yangon and in New York between the Minister for Foreign Affairs of Myanmar and my representative, Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs. As I pointed out in my previous report to the Assembly (A/49/716), I consider the role entrusted to me in paragraph 19 of the above resolution as one of good offices, as distinguished from the fact-finding mandate assigned to the Special Rapporteur by the Commission on Human Rights.

3. The first round of talks took place in Yangon from 6 to 8 February, in advance of the consideration of the item by the Commission on Human Rights. In addition to his talks with the Minister for Foreign Affairs, U Ohn Gyaw, my representative met with the Chief Justice, U Aung Toe and with the Attorney-General, U Tha Tun, Chairman and Vice-Chairman respectively of the National Convention Convening Work Committee and, on the last day of his visit, with Lieutenant General Khin Nyunt, Secretary-1 of the State Law and Order Restoration Council. My representative also visited, at the Government's suggestion, Insein Central Prison. Repeated requests for a meeting with Daw Aung San Suu Kyi, who was then under a restraining order, were declined by the authorities. An account of my representative's mission was included in my report to the Commission. 1/

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4. Although the Government of Myanmar and my representative had agreed that a new round of talks would be held in the second half of April in New York to coincide with the presence of the Minister for Foreign Affairs at United Nations Headquarters for the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the talks did not materialize owing to the Minister's inability to attend the Conference. Following consultations with the Permanent Representative of Myanmar to the United Nations, agreement was reached for a new visit to Yangon from 13 to 19 August 1995. In the course of that visit, my representative held talks with the Minister for Foreign Affairs, U Ohn Gyaw and other government officials, and paid a courtesy call on General Maung Aye, Vice-Chairman of the State Law and Order Restoration Council. A meeting between my representative and Lieutenant-General Khin Nyunt, Secretary-1 of the Council, did not take place owing to the illness of Secretary-1. My representative also met with Daw Aung San Suu Kyi, whose restraining order had by then been lifted, as well as with several of her senior advisers, including U Aung Shwe, Chairman of the National League for Democracy, and also U Kyi Maung and U Tin Oo, who had been released from prison in March. In October, the League reinstated Daw Aung San Suu Kyi as its General-Secretary, re-elected U Aung Shwe Chairman, and elected U Kyi Maung and U Tin Oo Vice-Chairman of the party.

5. A further round of talks between the Minister for Foreign Affairs, U Ohn Gyaw, and my representative took place at United Nations Headquarters on 10 October 1995. My representative also met with the Vice-Chairman of the State Law and Order Restoration Council on 23 October 1995, taking advantage of his presence in New York for the fiftieth anniversary of the United Nations.

6. In his discussions with the Myanmar authorities, my representative raised a series of ideas, some of them already put forward in October and November 1994 by Under-Secretaries-General Mr. Marrack Goulding and Mr. Rafeeuddin Ahmed respectively, my representatives at the initial stages of my dialogue, aimed at addressing the concerns expressed in General Assembly resolutions 48/150 and 49/179. These ideas broadly covered the following: plans for the establishment of a multi-party democratic system and, in that context, the mandate, composition, procedures and functioning of the National Convention; the desirability of dialogue with Daw Aung San Suu Kyi and other political leaders and their situation, as well as that of those representatives elected in 1990 who were still deprived of their freedom; issues relating to human rights, including the desirability of granting the International Committee of the Red Cross (ICRC) free and confidential access to prisoners and detainees; and efforts towards the reintegration of the national races into the political life of the country.

7. Regarding the National Convention, which was in recess between 8 April and 27 November 1995, my representative raised matters concerning the selection of its members; the desirability for greater transparency and openness in its procedures; the objective laid down by the State Law and Order Restoration Council guaranteeing a leading role for the armed forces in the political life of the country; the manner in which the guidelines drafted by the National Convention would be translated into a Constitution proper; and the role that the representatives elected in 1990 would be accorded in the final drafting of the Constitution and the opportunity that would be afforded to the people of Myanmar

to discuss and approve the final text of the document. In its response, the Government maintained that that was an internal process, that reconciliation with the national races was almost complete with the "return to the legal fold" of 15 out of 16 armed groups, that it intended to pursue the course of action it had charted, having in mind the 12 political, economic and social objectives that had been set, in which the priorities were the attainment of peace and stability, and that it would be up to the members of the National Convention to propose how the Constitution would be finalized and enacted.

8. In the course of his visit to Myanmar in February, my representative stressed the importance that the international community attached to the lifting of the existing restraints on Daw Aung San Suu Kyi and to the release of other political leaders, in particular, U Tin Oo and U Kyi Maung, two senior leaders of the National League for Democracy, whom he had met on his visit to Insein Prison, as well as other representatives elected in 1990. My representative was informed that over 70 prisoners had been released since the beginning of the year, including 19 persons, whose names and particulars were given to him, convicted under the 1950 Emergency Provisions Act, the 1908 Unlawful Association Act of Section 122 (1) of the Penal Code. A number of those persons were representatives of the National League for Democracy elected in 1990 who had been included in a list of elected representatives reported to be in prison which had been handed to the Government by Mr. Rafeeuddin Ahmed when he visited Yangon in November 1994. The Government also mentioned that other prisoners would continue to be released once it considered that they no longer posed a threat to the security of the State. I was gratified to learn subsequently of the release in March of both U Tinn Oo and U Kyi Maung, as well as several other prisoners. I also warmly welcomed the news I received on 10 July of the Government's decision to lift the restrictions on Daw Aung San Suu Kyi. During his visit to Myanmar in August my representative, while welcoming the releases that had taken place since his visit in February, noted that there were reports of new arrests and that concern remained for those still in prison. Concern on this matter was also conveyed to my representative by Daw Aung San Suu Kyi.

9. During his second visit to Myanmar in August, and at subsequent meetings in New York, my representative, after recalling the provisions of paragraph 5 of General Assembly resolution 49/197, encouraged the Government to follow-up on the measures referred to in paragraph 8 above by opening a substantive political dialogue with Daw Aung San Suu Kyi and other political leaders whose representativeness derived from the results of the elections held in 1990. In reply, the Government pointed out that Daw Aung San Suu Kyi was now an ordinary citizen, that in 1990 there were as many as 230 political parties with which it would be impossible to establish a dialogue and that it would thus not be even-handed to single out only one of them, that nothing should be done to detract attention from the National Convention which was the designated forum for political dialogue, and that Daw Aung San Suu Kyi could make her views known through the delegates representing her party at the Convention.

10. In her meetings with my representative, and indeed also in her public statements, Daw Aung San Suu Kyi has repeatedly expressed her own and her party's readiness to engage at the earliest possible date in a substantive dialogue with the Myanmar authorities. In her view, the National Convention in its present form could not be regarded either as a valid process of

democratization or as a substitute for a genuine political dialogue, and in that connection she stated her willingness to discuss with the Government changes in the composition, functioning and working procedures of the National Convention which would enable "the elected representatives of the people" to express their views freely with regard to the proposed Constitution.

11. As mentioned in my report to the Commission on Human Rights, the Myanmar authorities in February indicated to my representative that they saw no difficulty in reaching an agreement with ICRC once they had ensured that the Memorandum of Understanding to be signed was not in contradiction with the internal legislation of Myanmar. When my representative again raised the matter during his visit in August, he was informed by the Minister for Foreign Affairs that a counterproposal had been conveyed to ICRC and that the door remained open for ICRC to pursue further discussions with the Government. However, the Government and ICRC do not seem to have succeeded in overcoming their differences.

12. My representative also referred on various occasions to reports regarding the continuing use of forced labour and suggested that the ending of such a practice would benefit Myanmar's international image. The Government, for its part, reiterated the need for outsiders to take into account the Myanmar and Buddhist culture of "contributing for the good of one's next existence" and the traditional practice of voluntary community work.

13. In the context of his discussions about the process of national reconciliation and the reintegration of the national races into the political life of the country, my representative referred to the military developments that had taken place in the Kayin (Karen) State earlier this year and about the situation of the Karens and the Karennis within Myanmar and on the Thai side of the border. The Minister for Foreign Affairs pointed out that the Karenni National Progressive Party had "returned to the legal fold" although no cease-fire agreement had been signed between the State Law and Order Restoration Council and that Party. The fighting that had been reported in the foreign media did not involve the forces of the State Law and Order Restoration Council but had been caused by a rift among the military commanders of the Karenni National Progressive Party. He also stated that the fighting that had taken place in the Kayin (Karen) State involving the Karen National Union and which had led to the loss of Manerplaw by the Union was the result of a schism in that organization which had led to the establishment of a rival force under the name of the Democratic Kayin Buddhist Organization, to which the Government had provided some assistance. The Foreign Minister expressed confidence that both the Karen National Union and the Democratic Kayin Buddhist Organization would soon "return to the legal fold".

Concluding observations

14. The Myanmar Government's decisions to lift unconditionally the restrictions placed on Daw Aung San Suu Kyi and to free, before the conclusion of their prison terms, several other political leaders are a positive development which I applaud. I hope that these steps will be followed by other measures along the lines suggested on my behalf to the Myanmar authorities, which would pave the way to the establishment of a multi-party democratic system. Crucial to this

effort would be the start of a substantive and productive dialogue with the political forces and national races, as recommended by the General Assembly, to address the underlying problems that were at the root of the political strife and armed conflicts which have afflicted the country in the past.

15. I am deeply appreciative of the willingness of the Government of Myanmar to continue its dialogue with me and my representatives, as reiterated at the last round of talks. Without underestimating the usefulness of this dialogue in itself, its success can only be assessed in terms of its results. I stand ready to intensify my efforts to bridge the gap in perceptions that separates Myanmar from important sectors of the international community and, should the parties so wish, to facilitate the process of dialogue and national reconciliation in the country.

Notes

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GENERAL AND COMPLETE DISARMAMENT:
REGIONAL DISARMAMENT
REVIEW AND IMPLEMENTATION OF THE
CONCLUDING DOCUMENT OF THE
TWELFTH SPECIAL SESSION OF THE
GENERAL ASSEMBLY: REGIONAL
CONFIDENCE-BUILDING MEASURES
MAINTENANCE OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Fiftieth year

Letter dated 20 November 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a copy of the declaration on confidence-building measures between Ecuador and Peru signed on 8 November 1995 by the Deputy Ministers for Foreign Affairs of Ecuador and Peru at the Regional Conference on Confidence- and Security-building Measures in the Region (Latin America), held in Santiago, Chile, on the same date.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 70 (j), 71 (b) and 81, and of the Security Council.

(Signed) Luis VALENCIA RODRIGUEZ
Permanent Representative

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Annex

Regional Conference on Confidence- and Security-building Measures in the Region

Declaration on confidence-building measures between Ecuador and Peru adopted in Santiago on 8 November 1995

It is a great honour for the Deputy Ministers for Foreign Affairs of Ecuador and Peru to announce jointly to this Regional Conference a number of shared principles that have led to the identification and successful implementation of mutual confidence-building measures, adopted by the two countries as part of the process of détente and normalization of their bilateral relations.

The Itamaraty Declaration of Peace between Ecuador and Peru was signed on 17 February 1995 with the participation of Argentina, Brazil, Chile and the United States of America in their capacity as Guarantor Countries of the Rio de Janeiro Protocol of 1942. In that Declaration, in addition to confirming the cessation of hostilities, Ecuador and Peru, seeking to consolidate the cease-fire and to prevent further confrontations, agreed to separate the forces involved in the confrontations and to initiate immediately, as a confidence-building measure, a gradual and reciprocal demobilization in the border zones not affected by the clashes. It was also agreed to send an Observer Mission of the Guarantor Countries to supervise these measures and to request the Mission to recommend an area to be totally demilitarized.

Furthermore, the Itamaraty Declaration of Peace provides for the initiation of talks, as soon as the above-mentioned agreements have been fulfilled and a climate of détente and friendship has been restored, with a view to finding a solution to the remaining impasses between the two countries.

The timely and important action has taken greatly assisted in creating a climate conducive to continued negotiation through dialogue and understanding, leading to the elimination of border incidents and ensuring a prompt and satisfactory resolution of the unfortunate events of early 1995.

The presence of the President of the Republic of Peru in Quito at the ninth summit of the Rio Group, held on 4 and 5 September 1995; the reopening of the frontier for trade between the two countries; the restoration of the mechanism for bilateral diplomatic consultations at the level of Deputy Minister for Foreign Affairs on 14 December in Quito with a view to attendance at the meeting of Ministers for Foreign Affairs of the Amazon Cooperation Treaty; the announced visit to Lima in January 1996 of the Minister for Foreign Affairs of Ecuador in response to an invitation by the Minister for Foreign Affairs of Peru; and the presence in Lima of the President of Ecuador for the meeting of the Andean Presidential Council to be held in March 1996, are practical examples of the importance that both countries attach to mutual trust as a basis for progress in their bilateral relations.

The agreement on the gradual incorporation of officers from Ecuador and Peru in the Military Observer Mission and the adoption on 26 October 1995 of the "security booklets", which are already in force between the two countries, are specific confidence-building measures designed to prevent incidents and to promote closer ties of friendship between their respective armed forces and police forces.

Among the measures contained in the above-mentioned booklets, observance of which is mandatory for the army, navy, air force and police force of each country, mention may be made of: the undertaking to refrain from using firearms - even to fire shots into the air - when two ground patrols meet or when an aircraft of the armed forces or the police flies beyond its airspace; the development of mutual support activities in the event of epidemics, disasters or accidents; the organization of sports visits and activities and exchanges of greetings on national holidays; the suspension of ground, naval and air patrols in all areas where incidents have occurred; provision of emergency facilities for vessels and aircraft; exchanges of detailed advance information on field exercises and/or shooting practice and on overflights for reconnaissance purposes or for delivering supplies, and so on.

In addition, specific procedures have been agreed for the prevention of misunderstandings through direct top-level contacts. Measures have also been agreed to prevent the capture of civilians. Furthermore, individuals detained without identification papers must be handed over to the nearest police station or military unit of their country of origin within 24 hours.

Ecuador and Peru, on reporting to this major Regional Conference the various confidence-building measures that they are implementing in pursuance of the Itamaraty Declaration of Peace with the valuable assistance of the Guarantor Countries of the Rio de Janeiro Protocol of 1942, reaffirm their commitment to the principles contained in the Charter of the Organization of American States and to the strengthening of peace in our hemisphere.

Marcelo FERNÁNDEZ DE CÓRDOBA
Deputy Minister for Foreign Affairs
of Ecuador

Jorge VOTO-BERNALES
Deputy Minister for Foreign Affairs
of Peru